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Serial No. 09/653,782
Amendment in Reply to Office Action of July 19, 2005

REMARKS

Reconsideration of the present application as amended is respectfully requested.

By means of the present amendment, the specification has been amended to correct a typographical error. Further, claims 1 and 8 have been amended to correct certain informalities. Claims 1 and 8 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents.

In the Office Action, claims 1-5, 8 and 10-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,219,540 B1 (Besharat) in view of U.S. Patent No. 5,144,296 (Deluca). In response, independent claim 4 has been amended for better conformance with the scope of independent claim 1. Thus, no new issues requiring a new search have been introduced and entry of the present amendment is respectfully requested. It is respectfully submitted that claims 1-5, 8 and 10-11 are patentable over Besharat and Deluca for at least the following reasons.

Besharat is directed to a communication device providing out-of-range battery saving device. As correctly noted by the Examiner, Besharat does not teach or suggest:

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- (e) demodulating the detected carrier signal,
- (f) assessing the quality of the demodulated signal,
- (g) de-energising the receiver if the quality of the demodulated signal is not acceptable, and
- (h) decoding the demodulated signal if the signal quality is acceptable

as recited in independent claim 1, and similarly recited in independent claims 4 and 8. Deluca is cited in an attempt to remedy the deficiencies in Besharat.

Deluca is directed to an adaptive battery saving controller with signal quality detecting means. In particular, the Deluca signal quality detecting means detect the strength of received signals, namely, via the Received Signal Strength Indicator (RSSI) associated with the received signal. Deluca is primarily concerned with saving battery power when a properly received message (of high quality or on a high quality channel) is not intended for the particular receiver or communication device, via comparison of a properly received address bit with an address bit stored in the Deluca receiver.

More particularly, as shown in FIG 6, the RSSI of the received signal is checked in box 614. If the RSSI is good, then in box 616, a check is made to determine whether the received address bit is equal to the stored address bit. If not, then power is conserved in box 618. Referring back to box 614, if the RSSI is

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not good, then the Deluca battery saving controller checks to determine whether the received address bit is equal to the stored address bit in box 622 (similar to box 616). If not, then an error count is incremented in box 624, and if the error count equals the max error, then power is conserved in box 618. In box 622, if the received address bit is equal to the stored address bit, then in box 630 it is checked whether the entire code word is received (see column 11, line 44). If the entire code word is received, then the received word is decoded.

Thus, Deluca is concerned with the address bit, and even if the quality of the signal is proper, but the address bit is not the one for the particular Deluca receiver, indicating that the message is not intended for this particular Deluca receiver or communication device. In this case, no further decoding occurs and battery is conserved, even though the quality of the received signal is proper. Similarly, the Deluca communication device would continue decoding if RSSI indicates presence of the signal and the detected signal is not decodable or its quality is not acceptable, so long as the received address bit is the same as the stored address bit of the particular Deluca receiver.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 4

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and 8, requires:

(g) de-energising the receiver if the quality of the demodulated signal is not acceptable
(emphasis added).

This feature is nowhere taught or suggested in Besharat, Deluca, and combination thereof. Rather, Besharat, Deluca, and combination thereof, teach away from de-energising if the quality is not acceptable, since Deluca teaches to continue decoding if RSSI indicates presence of the signal, yet and the quality of this detected signal is not acceptable, as discussed above, so long as the message is intended for the particular Deluca receiver.

Further, it is respectfully submitted that Besharat and Deluca, alone or in combination, do not teach or suggest detecting a carrier signal and maintaining "the receiver in the energized state until a determination is made as to whether acceptable signal quality has been obtained" as recited in independent claim 8, or decoding the demodulated signal if the signal quality of the demodulated carrier signal is acceptable, as recited in independent claim 1.

In fact, Deluca further teaches away from the present invention as recited in independent claim 1 and 8, since Deluca suspends power even though an acceptable signal is detected as indicated by 'good' RSSI in box 606 of FIG 6, for example, instead

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of maintaining power and decoding when the carrier signal is acceptable, as recited in independent claims 1 and 8.

Power is maintained in Deluca only after detection of good RSSI and correct address bit. Thus, even if an acceptable carrier signal is detected, Deluca does not maintain power unless the correct address bit is received, indicating the message is intended for the particular Deluca receiver.

It is respectfully submitted that the address bit is not indicative of signal quality. The signal quality may be high and the signal properly received by the Deluca receiver, but if the received address bit is properly received and yet does not match the address of the particular Deluca receiver, then power is suspended, not because the quality of received signal is low, but rather because the properly received address bit is not intended for this particular Deluca receiver.

Accordingly, it is respectfully submitted that independent claims 1, 4 and 8 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-3, 5, and 10-11 should also be allowed at least based on their dependence from independent claims 1, 4 and 8, as well as for the separately patentable elements contained in each of the dependent claims.

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In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Applicants reserve the right to submit further arguments in support of the above stated position as well as the right to introduce relevant secondary considerations including long-felt but unresolved needs in the industry, failed attempts by others to invent the invention, and the like, should that become necessary.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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